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7	UNITED STATES DISTRICT COURT			
8	DISTRICT OF NEVADA			
9	EDUARDO CAMACHO,			
10	Petitioner,	3:11-cv-00318-LRH-RAM		
11	vs.	ORDER		
12	E.V. MCDANIEL			
13	E.K. MCDANIEL, et al.,			
14	Respondents.			
15	Eduardo Camacho, a Nevada prisoner, has submitted a petition for a writ of habeas corpus			
16	pursuant to 28 U.S.C. § 2254. On May 13, 2011, petitioner filed a motion for appointment of counsel,			
17	which this court denied in its Order directing that the petition be served on respondents (see docket #6).			
18	Petitioner filed a second motion for appointment of counsel on June 27, 2011 (docket #9), and he also			
19	filed a motion for proof of receipt of petitioner's motion for reconsideration for appointment of counsel			
20	(docket #18).			
21	There is no constitutional right to appointed counsel for a federal habeas corpus proceeding			
22	Pennsylvania v. Finley, 481 U.S. 551, 555 (1987); Bonin v. Vasquez, 999 F.2d 425, 428 (9th Cir.1993).			
23	The decision to appoint counsel is generally discretionary. Chaney v. Lewis, 801 F.2d 1191, 1196 (9th			
24	Cir.1986), cert. denied, 481 U.S. 1023 (1987); Bashor v. Risley, 730 F.2d 1228, 1234 (9th Cir.), cert			
25	denied, 469 U.S. 838 (1984). Howev	er, counsel must be appointed if the complexitien	es of the case are	
26	such that denial of counsel would amount to a denial of due process, and where the petitioner is a person			
27	of such limited education as to be incapable of fairly presenting his claims. See Chaney, 801 F.2d a			
28	1196; see also Hawkins v. Bennett, 423 F.2d 948 (8th Cir.1970). The petition in this action appears			

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1	sufficiently clear in presenting the issues that petitioner wishes to raise. While petitioner indicates in			
2	his second motion that he previously received assistance in filing the petition and that such assistance			
3	is no longer available, counsel is not justified at this time. The motion is denied without prejudice.			
4	IT IS THEREFORE ORDERED that petitioner's motion for appointment of counsel (docket			
5	#9) is <b>DENIED without prejudice</b> .			
6	IT IS FURTHER ORDERED that petitioner's motion for proof of receipt of petitioner's			
7	motion for reconsideration for appointment of counsel (docket #18) is <b>DENIED</b> as moot.			
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9	DATED this 22nd day of July, 2011.			
10	Elkihi			
11	Ochococ			
12	LARRY R. HICKS			
13	UNITED STATES DISTRICT JUDGE			
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